

HOUSE BILL NO. 266

INTRODUCED BY G. CLANCY, ADAMS, BALLYEAT, BARRETT, BRUEGGEMAN, DAVIES, LEWIS,
MASOLO, SLITER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GOVERNMENT ACCOUNTABILITY ACT TO
PROVIDE THAT A GOVERNMENT ACT MAY NOT BE TAKEN UNTIL A STATEMENT OF GOVERNMENT
AUTHORITY HAS BEEN PROVIDED TO THE REQUESTOR; AMENDING SECTION 2-11-104, MCA; AND
PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-11-104, MCA, is amended to read:

"2-11-104. Statement of government authority required ~~--limit on action or enforcement.~~ (1)
~~When~~ ~~WITHIN 30 DAYS AFTER~~ WHEN a government entity takes a government act, as defined in 2-11-103,
it shall provide upon request to the applicant a written statement of SPECIFIC legal authority upon which
the action is based. The statement must be provided within 30 days of the ~~government act~~ WRITTEN
request by the applicant for the permit, certificate, or license WRITTEN STATEMENT OF SPECIFIC LEGAL AUTHORITY
OR WITHIN 30 DAYS AFTER THE GOVERNMENT ACT, WHICHEVER OCCURS LAST.

(2) The statement must clearly cite the SPECIFIC statute, rule, ordinance, resolution, or other legal
authority for the government act AND THE SPECIFIC REASON FOR THE GOVERNMENT ACT.

~~—— (3) If a statement has been requested as provided in subsection (1), a government act may not
be taken or enforced until the statement has been provided to the requesting applicant. The failure of a
government entity to provide the statement as required renders the government act invalid and
unenforceable until the government entity clearly demonstrates the authority for the government act.~~

~~—— (4) AN APPLICANT MAY CONTEST A WRITTEN STATEMENT OF LEGAL AUTHORITY IN DISTRICT COURT, IS ENTITLED
TO RECOVER DAMAGES RESULTING FROM AN IMPROPER STATEMENT OF LEGAL AUTHORITY, AND MUST BE GRANTED COSTS
AND ATTORNEY FEES IF THE APPLICANT PREVAILS."~~

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2001.

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